

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN C. SOWARDS,

Plaintiff,

v.

IBT 413, *et al.*,

Defendant.

Case Number 19-11449

Honorable David M. Lawson

Magistrate Judge David R. Grand

ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS ACTION,
SUA SPONTE, UNDER 28 U.S.C. § 1915(e)

Presently before the Court is the report issued on August 21, 2019 by Magistrate Judge David R. Grand under 28 U.S.C. § 636(b), recommending that the Court dismiss the action, *sua sponte*, under 28 U.S.C. § 1915(e)(2)(B). Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 13) is **ADOPTED**.

It is further **ORDERED** that the action is **DISMISSED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: September 12, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on September 12, 2019.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI